

Application No. 09/741,129  
Amendment dated October 20, 2004  
Reply to Office Action of June 21, 2004

**REMARKS**

Claims 1-14 were pending in the application; the status of the claims is as follows:

Claim 9 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,936,668 to Sawanobori et al ("Sawanobori et al").

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,741,284 B1 to Shono ("Shono") in view of Sawanobori et al.

Claims 1-8 are allowed.

Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on December 19, 2000, is noted with appreciation.

The objection to the title of the invention as not being descriptive is noted and a new title is presented in this Amendment which is clearly indicative of the invention to which the claims are directed. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 1, 7, 9 and 14 have been amended to improve the form thereof. Claims 15 and 16 have been added to address additional aspects of the invention. No new matter is introduced in the amendments.

**35 U.S.C. § 102(b) Rejection**

The rejection of claim 9 under 35 U.S.C. § 102(b) as being anticipated by Sawanobori et al, is respectfully traversed because the reference fails to disclose all elements of the claim. As amended, claim 9 recites “a controller for gradually changing a characteristic of the image displayed on the display for a predetermined period of time from the provision of the instruction by the instruction member.”

As described on page 3, line 19 to page 4, line 6 and as shown in Figs. 6(b) and 8(b) of the present application, displaying an image in real time while the mirror is being retracted in a conventional digital camera causes the upper and lower parts of the displayed image to have different brightness. The darkening of part of the image may be disagreeable to some users. To prevent this, the present camera continues displaying a previous image while the mirror is in motion. Specifically, an image acquired immediately prior to movement of the mirror is displayed while the mirror is moving. To provide a visual indication that a picture has been taken, the present camera gradually changes a characteristic of the image being displayed. For example, the image brightness may be lowered so that the displayed image fades toward black while the image is being captured and then fades back in after the image is captured. This is analogous to what is seen through the viewfinder of a film-based SLR camera, wherein the viewfinder goes black when the mirror flips up. Alternatively, the chroma of the displayed image may be gradually changed so that the image fades to a black and white image while the image is being captured and then fades back to a color image afterward. This method has the advantage of continuing to provide an image during image capture, while still providing a visual indication that an image has been captured.

It is respectfully submitted that this is not disclosed in the prior art, and that Sawanobori et al in particular fails to disclose “a controller for gradually changing a characteristic of the image displayed on the display for a predetermined period of time from the provision of the instruction by the instruction member.” Accordingly, it is respectfully requested that the rejection of claim 9 under 35 U.S.C. § 102(b) as being

anticipated by Sawanobori et al, be reconsidered and withdrawn. Furthermore, it is requested that the objection to claims 10-13 as being dependent upon a rejected base claim also be reconsidered and withdrawn.

**35 U.S.C. § 103(a) Rejection**

The rejection of claim 14 under 35 U.S.C. § 103(a), as being unpatentable over Shono in view of Sawanobori et al, is respectfully traversed because the references fail to teach or suggest all elements of the rejected claim.

As stated in the Office Action, "Sawanobori et al teaches that during a monitor through mode the image captured by the image sensor is stored in an image memory and is then output to the LCD display. Furthermore, because the image is displayed on the LCD screen in real time, the image would be displayed at all times and therefore, would be displayed before, during, and after an instruction to move the quick return mirror was executed." That is an image would be captured and displayed *even during motion of the mirror*. However, it is respectfully submitted that this is not what is claimed. Rather, claim 14 requires that an image captured *prior to movement of the quick return mirror*, continues to be displayed while the mirror is moving. Specifically, claim 14 recites:

...  
a memory for storing an image data produced by the image sensor  
*before* the movement of the optical element; and  
a controller for displaying the image data stored in the memory on  
the display when the optical element is moving.

It is respectfully submitted that this is not taught by Shono, Sawanobori et al., or the other prior art of record.

Accordingly, it is respectfully requested that the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Shono in view of Sawanobori et al, be reconsidered and withdrawn.

Application No. 09/741,129  
Amendment dated October 20, 2004  
Reply to Office Action of June 21, 2004

### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the total number of claims by 2 from 14 to 16 (20 already paid for), but does increase the number of independent claims or present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

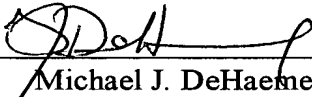
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

Application No. 09/741,129  
Amendment dated October 20, 2004  
Reply to Office Action of June 21, 2004

and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's  
Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By:   
Michael J. DeHaemer  
Registration No. 39,164  
Attorney for Applicant

MJD/lfb:jjk:bar  
SIDLEY AUSTIN BROWN & WOOD LLP  
717 N. Harwood, Suite 3400  
Dallas, Texas 75201  
Direct: (214) 981-3335  
Main: (214) 981-3300  
Facsimile: (214) 981-3400  
October 20, 2004

DA1-301494v.5